IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

-

WRIT PETITION NO : 21968 of 2004

Between:

Mukthar Bhanu, W/o. Late Shair Ali Khan,
R/o. 21-23, Khajipura, Farooqnagar,

Mahabubnagar District.

..... PETITIONER

AND

1. The Mandal Revenue Officer,

Farooqnagar Mandal (Shadnagar),
Mahabubnagar District.

2. Ratanlal, S/o. Shivalal, Major,
R/o. Shadnagar, Mahabubnagar District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of Writ of CERTIORARI call for the records relating to the Proc. No. B/5341/2004, dt. 11-11-2004 issued by the 1st respondent and quash the same by duly declaring the proceedings issued by the first respondent at the instance of 2nd respondent i.e. cancelling the proceedings No. B.3743/2004, dt. 13-8-2004 issued under ROR Act i.e. A.P. Rights in Land and Pattadar pass Books Act, 1971 in favour of the petitioner by way of succession after the death of her husband in respect of the lands in Sy.Nos.182/A, 183/A and 184/A total extent of Ac. 4.22 gts. situated at Farooqnagar Vg. Mahaboobnagar District and also cencellation of pattadar pass books and title deeds issued in her favour vide Patta No. 1075 in respect of above lands without any notice and without causing any

enquiry, as illegal, arbitrary and is a clear case of flagrant violation of principles of natural justice and contrary to the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondent No.1: GP FOR REVENUE

Counsel for the Respondent No.2: MR C.R.PRATAP REDDY

The Court made the following:

ORDER:

This writ petition has been filed assailing the order dated 11.11.2004, passed by the Mandal Revenue Officer, Farooqnagar Mandal-first respondent in Proceedings No.B/5341/2004, cancelling the proceedings No.B/3743/2004 dated 13.8.2004 issued under A.P. Rights in Lands and Pattadar Passbooks Act, 1971.

2. The petitioner is the wife of late Shair Ali Khan. She submitted an application before the Mandal Revenue Officer, Farooqnagar Mandal, for issuance of pattadar passbook. The Mandal Revenue Officer, after making necessary enquiries, ordered for issuance of pattadar passbook in her favour in respect of survey Nos.182/A, 183/A and 184/A to the extents of Ac.0-19 gts., Ac.3-16 gts. And Ac.0-27 gts. respectively, situated within the limits of Farooqnagar village, Mahaboobnagar District. Subsequently, the second respondent filed an application before the Mandal Revenue Officer, Farooqnagar Mandal-first respondent for cancellation of pattadar passbook and title deeds issued in favour of the writ petitioner. The Mandal Revenue Officer, relying on the report of Mandal Revenue Inspector, came to the conclusion that the lands in question have been converted into house plots and, therefore, the provisions of A.P. Records of Rights in Land and Pattadar Pass Books Act, 1971 are not applicable and thus cancelled the proceedings issued in favour of the writ petitioner. Thus, the writ petitioner, before this Court assailing the said proceedings.

3. Heard the learned counsel for the petitioner and the learned counsel appearing for the second respondent.

4. The learned counsel for the petitioner submits that cancellation of the proceedings granting pattadar pass book and title deeds in favour of the petitioner without

hearing the petitioner is in violation of the principles of natural justice and therefore, the impugned proceedings are liable to be set aside.

5. The learned counsel for the second respondent submits that the very obtaining of the passbook and title deeds in respect of lands in question by the writ petitioner is by playing fraud and therefore, the Mandal Revenue Officer is justified in cancelling the earlier proceedings. Reliance has been placed on the decisions of our High Court in **Bonnareddipalli Seetharamamma V. The Govt. of A.P. rep. by its Secretary, Revenue Department and others, and Pelleti Gopala Krishna Reddy and others V. The Land Reforms Tribunal (Additional Revenue Divisional Officer), Nellore and another**.

6. It is no more in dispute that the Mandal Revenue Officer issued proceedings in favour of the writ petitioner whereunder title deeds and passbooks have been issued in favour of the writ petitioner in respect of the land in question. In case the passbook and title deeds standing in the name of the petitioner are to be cancelled, she is required to be heard before passing orders effecting her interests. Admittedly, no opportunity was given to the writ petitioner before cancelling the proceedings, issued by the Mandal Revenue Officer, in her favour.

7. In such situation, I deem it appropriate to set aside the order impugned and direct the Mandal Revenue Officer-first respondent to pass appropriate orders after hearing both the parties. No costs.

_____

B.SESHASAYANA REDDY,J.

Date: 04th July 2005.

BSB

That Rule Nisi has been made absolute as above.

Witness the Hon'ble ACJ, Bilal Nazki on this Monday the fourth of July two thousand and five.

ASSISTANT REGISTRAR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Mandal Revenue Officer,

Farooqnagar Mandal (Shadnagar),
Mahabubnagar District.

2. Two CCs to the Government Pleader for Revenue, High Court of

A.P., Hyderabad (OUT).

3. Two CD copies

4. 1 CC to MR.PRATAP REDDY

*Form-NIC-OGS/WP{**RLD**}*